

1 Hon. John H. Chun
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 KURT A. BENSHOOF,
10 A.R.W. By and Through His Father,
11 KURT A. BENSHOOF,

12 Plaintiffs,

13 v.
14 MARSHALL FERGUSON, *et al.*,
15 Defendants.

No. 2:24-cv-00808-JHC

PLAINTIFFS' MOTION FOR LEAVE
TO FILE FIRST AMENDED
COMPLAINT

NOTED ON MOTION CALENDAR:
January 6, 2025, 7(d)(2)

17 **I. INTRODUCTION**

18 Plaintiff Kurt Benshoof (“Benshoof”) moves the Court with good cause for an
19 Order granting Plaintiff’s Motion to Leave to file Plaintiffs’ First Amended
20 Complaint. Benshoof brings this motion under threat, duress, and coercion of the
21 Order Restricting Abusive Litigation by Kurt Benshoof (“ORAL”) and Contempt
22 Order granted by Judge Marshall Ferguson in KCSC No 22-2-15958-8 SEA,
23 Document Nos. 189; 319, attached hereto as Appendix A and B.

While the ORAL and Contempt Order were the result of perjury and fraud perpetrated by two perjuring prostitutes and their corrupt attorneys, and while Benshoof has good cause to believe that he is not legally obligated to comply with fraudulent orders, he does so to avoid the possibility of additional unlawful imprisonment.

II. SWORN STATEMENT OF FACTS

1. Benshoof incorporates by reference as if fully restated herein the attached Amended Petition for Writ of Habeas Corpus (WAWD No. 2:24-cv-1110-JNW; Dkt. #23) and Exhibits. (*Id.*, Dkt. #23-1)

III. AUTHORITY

2. The First Amendment prohibits government officials from abrogating Benshoof's right to petition for redress of his grievances, and his Amended Habeas provides irrefutable evidence that the mother of A.R.W., Jessica Owen ("Owen"), has committed perjury and extrinsic fraud across multiple court cases for more than three years to conceal the kidnapping of A.R.W.

3. The Amended Habeas details the ongoing conspiracy by City of Seattle and King County officials to unlawfully and indefinitely imprison Benshoof *incommunicado* under color of law, aided and abetted by Owen's co-conspirators, family law attorney Nathan Cliber ("Cliber") and Magalie Lerman.

4. Current defendants—who are all attorneys—Blair Russ, Jessica Skelton, Michael Tracy, and Sarah Turner have engaged in parallel acts to render

1 criminal assistance to the kidnapping of A.R.W., and to prevent Benshoof from
 2 seeking redress in violation of 18 U.S.C. § 1512(b), a predicate act under Civil RICO.
 3

4 5. "The [attorney's] failure to report the [perjury of his client] "is the actual
 5 cause of [the] injury only if the injury would not have occurred 'but for' that
 6 conduct." *White v. Roper*, 901 F.2d 1501, 1505 (9th Cir. 1990) (citing W. Prosser W.
 7 Keeton, *The Law of Torts* [hereinafter "Prosser Keeton"] § 41, at 266 (5th ed. 1984)).
 8 "The requisite causal connection can be established not only by some kind of direct
 9 personal participation in the deprivation, but also by setting in motion a series of acts
 10 by others which the actor knows or reasonably should know would cause others to
 11 inflict the constitutional injury." *Johnson v. Duffy*, 588 F.2d 740, 743-44 (9th Cir.
 12 1978)." *Conn v. City of Reno*, 572 F.3d 1047, 1058 (9th Cir. 2009)

14 6. The previous five months of constitutional violations of Benshoof's rights
 15 and resultant damages to Plaintiffs were the direct and proximate result of Cliber
 16 suborning the perjury of his client, Owen, and parallel acts by Defendants and others.

17 7. "When [private attorneys] conspired to construct a false story about the
 18 events that took place...they deliberately set in motion a series of events that they
 19 anticipated (or should have anticipated) would lead to [Benshoof's] arrest, and [] trial
 20 []. Not only did [private attorneys] set the events in motion but, according to the
 21 complaint, they voluntarily provided crucial information, false though it was, at every
 22 step of the proceeding." *Harris v. Roderick*, 126 F.3d 1189, 1199 (9th Cir. 1997)

24 8. Private parties, such as attorneys, "act under color of state law if they
 25 willfully participate in joint action to deprive others of constitutional rights.' *Dennis*
 26

v. Sparks, 449 U.S. 24, 27 (1980); *Adickes v. S.H. Kress Co.*, 398 U.S. 144, 152 ((1970); U.S. v. Price, 383 U.S. 787, 794 (1966).” *United Steelworkers v. Phelps Dodge*, 865 F.2d 1539, 1540 (9th Cir. 1989)

9. Plaintiffs deserve the opportunity to question all defendants under oath before a jury of their peers. “The existence or nonexistence of a conspiracy is essentially a factual issue that a jury, not the trial judge, should decide...The right to confront, cross-examine, and impeach adverse witnesses is one of the most fundamental rights sought to be preserved by the Seventh Amendment provision for jury trials in civil case.” *Adickes v. S.H. Kress Co.*, 398 U.S. 144, 176 (1970)

VERIFICATION

This motion contains 696 words in compliance with LCR 7(e)(1). Plaintiff Kurt Benshoof does hereby declare that the foregoing is true and correct to the best of his knowledge under penalty of perjury under the laws of the United States. Executed this 22nd day of December in the year 2024, in the city of Mountlake Terrace, in the county of Snohomish, in the state of Washington.

By:

Mark A. Bond

Kurt Benshoof, Co-Plaintiff *Pro Se*
22701 42nd Place West
Mountlake Terrace, WA 98043
Phone: (425) 553-8112
Email: kurtbenshoof@gmail.com

PLAINTIFFS' MOTION FOR LEAVE
TO FILE FIRST AMENDED COMPLAINT
WAWD No. 2:24-cv-00808-JHC
Page 4 of 4

Kurt Benshoof, Co-Plaintiff
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Appendix A

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7 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**
IN AND OF THE COUNTY OF KING

8 KURT BENSHOOF,

9 v. Plaintiff,

10 NATHAN CLIBER, JESSICA OWEN,
11 MAGALIE LERMAN, and OWEN
12 HERMSEN

13 Defendants.

NO. 22-2-15958-8 SEA

14
15 **ORDER RESTRICTING ABUSIVE**
LITIGATION OF KURT BENSHOOF

16 This Court has determined that Kurt Benshoof is a vexatious litigant, that he has
17 engaged in an extensive pattern of abusive litigation and weaponization of the court system
18 against Defendants, and that Defendants are entitled to entry of an order restricting Mr.
19 Benshoof's ability to file abusive legal actions against them, their friends and family, and their
20 respective counsel. *See* Dkt. #177 (Order Granting Defendants' Joint Motion for a Vexatious
21 Litigant Order Against Plaintiff, And Temporary Order Restricting Abusive Litigation By Kurt
22 Benshoof). The Court incorporates that order by reference as if set forth fully herein and makes
23 the following additional findings and final orders:

ORDER RESTRICTING ABUSIVE LITIGATION OF KURT
BENSHOOF - 1

TOMLINSON
BOMSZTYK
RUSS

1000 Second Avenue, Suite 3660,
Seattle, Washington 98104-1046
P/ 206.621.1871 F/ 206.621.9907

0380 **COPY**

PRIOR ABUSIVE FILINGS BY MR. BENSHOOF

King County Superior Court Cause No. 22-2-02932-3 SEA

1. On March 1, 2022, Mr. Benshoof filed his first of several complaints against Ms. Owen arising from his claim that Ms. Owen had converted his Toyota FJ Cruiser, which was titled in Ms. Owen's name.

2. After Ms. Owen voluntarily transferred title to Plaintiff, that matter was dismissed.

3. However, and despite the vehicle being voluntarily transferred to him, Plaintiff continued to allege facts in this case (and others) regarding the vehicle.

King County Superior Court Cause No. 22-2-03826-8 SEA

1. On March 16, 2022, Plaintiff filed another complaint against Ms. Owen.

12 2. In that complaint, Mr. Benshoof alleged claims of constructive fraud and
13 infliction of emotional distress relating to a previously shared residence (titled in Ms. Owen's
14 name). Further, and similar to the allegations alleged in this matter, Mr. Benshoof claimed that
15 Ms. Owen wrongfully filed police reports against him.

16 3. On June 24, 2022, Ms. Owen filed a motion to dismiss Mr. Benshoof's claims
17 in that lawsuit pursuant to CR 12(c). Judge Robertson granted Ms. Owen's motion on July 22,
18 2022, and his claims were dismissed with prejudice. Judge Robertson determined Mr.
19 Benshoof's claims were either time-barred or failed to state a claim upon which relief could be
20 granted.

21 4. As to the claims concerning Ms. Owen's communications with law enforcement,
22 those were dismissed because they did not remotely rise to anything close to a viable cause of
23 action.

1 5. Additionally, Judge Robertson's order admonished Mr. Benshoof's filings as
 2 follows:

3 Plaintiff improperly attempt[ed] to "amend" the complaint via a
 4 filing of an "amended" complaint coupled with what purports to be
 5 criminal allegations. These items were all filed on 7/15/22 without
 6 leave of this court. Plaintiff failed to comply with CR 15 to permit
 7 an amendment of the complaint. However, *even if* this amended
 8 complaint were to be considered, it falls under the same merits as
 9 above [time-barred & failure to state a claim upon which relief can
 10 be granted].

11 Plaintiff's Response to this motion was improper and untimely, and Plaintiff failed to follow local rules regarding service of working
 12 copies to the Court. However, the response was given consideration
 13 by this Court as if it were filed timely. In this Response, Plaintiff
 14 failed to provide any legal basis to deny Defendant's motion [to
 15 dismiss].

16 **King County Superior Court Case No. 22-2-1112-7 SEA**

17 1. On July 18, 2022, Mr. Benshoof filed an 85-page Petition for Writ of Habeas
 18 Corpus and named Mr. Cliber, Judge David Keenan, Commissioner Jason Holloway, Ms.
 19 Owen, Ms. Lerman, and one other individual as Respondents. The writ was denied three days
 20 after it was filed and the case was dismissed.

21 **King County District Court Cause No. 22CIV11976KCX**

22 1. On August 2, 2022, Mr. Benshoof attempted to obtain an anti-harassment
 23 protection order against Mr. Cliber based on Mr. Cliber's representation of Ms. Owen in the
 Parentage Action. The court denied Mr. Benshoof's request.

24 **U.S District Court for the Western District of Washington Cause No. 2:22-cv-
 25 01281-LK and King County Superior Court Cause No. 22-2-15745-3 SEA**

26 1. Following Judge Robertson's dismissal of his claims, Mr. Benshoof filed two
 27 other complaints against Ms. Owen on September 9, 2022, and September 29, 2022,
 28 respectively.

29 ORDER RESTRICTING ABUSIVE LITIGATION OF KURT
 30 BENSHOOF - 3

31 **0382**

32 TOMLINSON
 33 BOMSZTYK
 34 RUSS

35 1000 Second Avenue, Suite 3660,
 36 Seattle, Washington 98104-1046
 37 P/ 206.621.1871 F/ 206.621.9907

1 2. In the first of these two actions (the “Federal Action”), Mr. Benshoof filed a
 2 litany of allegations against dozens of people, including all named Defendants here and multiple
 3 sitting King County Superior Court Judges.

4 3. On September 26, 2022, Judge Lauren King dismissed Mr. Benshoof’s nearly
 5 300-page complaint *sua sponte*.

6 4. Three days later, Mr. Benshoof filed another action which was nothing short of
 7 a re-filing on the exact same claims previously dismissed by Judge Robertson (King Co. Sup.
 8 Ct. No. 22-2-15745-3).

9 **King County Superior Court Cause No. 22-2-15958-8 SEA (this case)**

10 1. On October 3, 2022, Mr. Benshoof filed the present action. When Ms. Owen
 11 sought to consolidate this matter with the other matter assigned to Judge Robertson, Mr.
 12 Benshoof filed an affidavit of prejudice. This was a concerted effort to circumvent the prior
 13 orders of the Superior Court.

14 2. This case marked the fifth civil complaint filed by Mr. Benshoof against Ms.
 15 Owen in a nine-month period. In this action, Mr. Benshoof cited to the above-mentioned,
 16 previously adjudicated matters, King County Superior Court Cause Nos. 21-5-00680-6 SEA
 17 and 21-2-11149-8 SEA, alleging, among other things, “Defendants Cliber and Owen illegally
 18 or improperly perverted the King County Family Court system against Plaintiff.”

19 3. When Ms. Owen and Mr. Cliber availed themselves of the protections found in
 20 Ch. 4.105 RCW, Mr. Benshoof responded by threatening to file yet more litigation against the
 21 same parties arising out of the same “facts”.

22 4. On March 17, 2023, this Court dismissed the one remaining claim asserted by
 23 Mr. Benshoof after having previously dismissed all other claims.

ORDER RESTRICTING ABUSIVE LITIGATION OF KURT
 BENSHOOF - 4

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Based on the factual findings above, this Court concludes that Mr. Benshoof has engaged in an extensive pattern of abusive litigation and weaponization of the court system against these defendants, their friends and family, and their attorneys. This pattern of abusive litigation has taken a significant emotional and financial burden on the defendants. Accordingly, the Court imposes the following filing restrictions against Mr. Benshoof.

FILING RESTRICTIONS

Based on the pattern of abusive litigation detailed above, the court enters the following filing restrictions which will apply to any and all future litigation Mr. Benshoof may attempt to bring. These restrictions shall be in effect for five (5) years from the date of the entry of this order.

1. Kurt Benshoof is hereby **ENJOINED AND RESTRAINED**, in both an individual and in any representative capacity, from initiating any litigation whatsoever in any Superior Court in the state of Washington against Defendants, their attorneys, their friends and family, or any other person related or connected to Defendants (collectively, “Persons Covered by This Order”), unless Mr. Benshoof first obtains advanced approval from this Court.

2. To obtain advance approval from this Court, Mr. Benshoof shall submit an application to the undersigned Judge/Department 31 in the form of a one-page document, in twelve-point type, that provides a summary of the parties involved and the proposed claims or issues.¹ The proposed complaint/petition shall be attached to the summary. No other

¹ Mr. Benshoof shall submit the application by filing it under the current case caption, King County Superior Court Case No. 22-2-15958-8 SEA, with copies served via e-mail on all parties and counsel of record.

ORDER RESTRICTING ABUSIVE LITIGATION OF KURT BENSHOOF - 5

|| TOMLINSON
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Seattle, Washington 98104-1046
P/ 206 621 1871 F/ 206 621 9907

1 exhibits or attachments may be included. The Court may, at its discretion, request a response
 2 from Persons Covered by This Order before ruling on Mr. Benshoof's application.

3 3. Any new case against Persons Covered by This Order filed by Mr. Benshoof
 4 with Court approval in King County Superior Court shall be assigned to the undersigned
 5 judge/Department 31.

6 4. If Mr. Benshoof seeks to commence a new action against Persons Covered by
 7 This Order in a court *other than* a Superior Court, Mr. Benshoof must first bring a motion in
 8 the other court for leave to proceed with the action. The motion must be filed
 9 contemporaneous to the filing of the complaint or petition. The motion for leave must
 10 demonstrate that good cause exists to permit the action to proceed given the claims raised in
 11 the new complaint and Mr. Benshoof's past litigation abuses. If the reviewing court finds
 12 good cause has not been shown for the action to proceed, it may dismiss the action with
 13 prejudice. If the reviewing court determines that sanctions are warranted, it may impose
 14 sanctions at the same time the action is dismissed. Mr. Benshoof shall have an opportunity to
 15 explain in writing why sanctions should not be imposed in a post-dismissal motion for
 16 reconsideration within ten (10) days of the dismissal.

17 5. Mr. Benshoof shall submit a copy of this Order with any future lawsuit he files
 18 or attempts to file in any court, including (but not limited to) any federal court.

19 6. If Mr. Benshoof fails to abide by the terms of this Order, any party may move,
 20 or the Court *sua sponte* may move, for a finding of contempt and sanctions. A contempt
 21 finding could result in the imposition of jail time as a sanction. The Court has attached the
 22 Knight warnings to this Order.

DONE this 31st day of March, 2023.


The Hon. Marshall Ferguson

4 | Presented by:

5 GORDON REES SCULLY MANSUKHANI, LLP

6 By: /s/ Kyle J. Rekofke
7 Kyle J. Rekofke, WSBA #49327
Attorney for Defendant Nathan Clibe

TOMLINSON BOMSZTYK RUSS

By: ATW
Anthony S. Marinella, WSBA #55611
Attorney for Defendant Jessica Owen

ADMON LAW FIRM, PLLC

By: /s/ Moshe Y. Admon
Moshe Y. Admon
Attorney for Defendants Lerman and HermSEN

ORDER RESTRICTING ABUSIVE LITIGATION OF KURT BENSHOOF - 7

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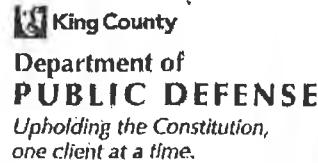
1000 Second Avenue, Suite 3660,
Seattle, Washington 98104-1048
P/ 206.621.1871 F/ 206.621.9907

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2 **CONTEMPT “KNIGHT” WARNING**
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1. If this court finds you in contempt of court, jail time is an immediate possibility. Consequently, you have a right to counsel.
2. You may hire private counsel at your own expense, but the court is referring you to the Department of Public Defense (formerly the Office of Public Defense) where an attorney will be provided if you cannot afford to hire private counsel. It is your responsibility to contact the Department of Public Defense for screening. You are being provided with the contact information for the Department of Public Defense with this notice.
3. If you do not contact the Department of Public Defense or hire private counsel, your conduct will be deemed dilatory, which means you have failed to follow through on your obligation. As a consequence, the court can find that you have forfeited your right to an attorney.
4. If you are found to have forfeited your right to an attorney, the court will require you to proceed in the matter without representation by counsel. Without an attorney, you risk failing to assert defenses to contempt or effectively explaining to the court why you should not be held in contempt. Without an attorney you also may miss an opportunity to present information that could mitigate or make less severe any sanctions imposed if you are found to be in contempt. Given that I have advised you that a possible sanction for contempt is jail, I urge you seek counsel now.

King County Superior Court



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3 **Important notice to defendants accused
of a crime or involved in a dependency action**

4 If you cannot afford a lawyer, you must be screened and determined eligible for a public
5 defender. There are two ways to be interviewed:

6 1. Call the King County Department of Public Defense (DPD) at (206) 477-9727
Monday through Friday from 8 a.m. to 5 p.m.

7 2. Report in person to a DPD screening office:
King County Courthouse, 516 3rd Ave, Room E-820, Seattle
8 Mondays and Wednesdays from 8 a.m. to 5 p.m.

9 **Maleng Regional Justice Center, 401 4th Ave North, Kent, WA 98032**
10 Room 1-B

11 *Tuesdays and Wednesdays from 8 a.m. to 5 p.m.*

12 You can also email DPDScreening@kingcounty.gov to have a DPD screener contact you.

13 You will likely have a better outcome if you discuss your case with your attorney as soon as
possible. To see if you qualify for a public defender, contact DPD immediately. Even if an
attorney was originally assigned to you while you were in custody, you must still call DPD
upon release to see if you continue to qualify. SCREEN EARLY! DON'T WAIT!

14 **Aviso importante a los acusados, acusado de un delito o
15 involucrados en un caso de dependencia**

16 Si usted no puede pagar a un abogado, debe ser entrevistado y
determinado elegible para tener un defensor público. Hay dos
maneras para hacer la entrevista:

17 1. Llame el Departamento del Condado de King de los
Defensores Publicos (DPD) en (206) 477-9727 el lunes al viernes desde las 8:00 AM
– 5:00 PM

18 2. Aparecer en persona a la Oficina de Defensores Publicos a:

19 King County Courthouse, 516 3rd Ave, Seattle, WA 98104

20 **Los lunes y miércoles entre los horarios 8:00 AM – 5:00 PM**

21 Maleng Regional Justice Center, 401 4th Ave North, Kent, WA 98032

Sala 1-B

22 **Los martes y miércoles entre los horarios 8:00 AM – 5:00 PM**

23 Usted podría tener los mejores resultados si puede discutir sobre su caso con su abogado lo
mas pronto que sea posible. Para averiguar si usted califica por tener un defensor público,
debe comunicarse con DPD inmediatamente aunque ha tenido un defensor público mientras
usted estaba encarcelado, aun debe comunicarse con DPD cuando salga de la cárcel para
averiguar si sigue siendo elegible. Haga su entrevista pronto.

24 Usted también puede mandar un email a DPDScreening@kingcounty.gov para comunicarse con
uno de los entrevistadores.

King County Superior Court

Appendix B

FILED

2024 MAR 01 02:30 PM The Honorable Marshall Ferguson
KING COUNTY
SUPERIOR COURT CLERK
E-FILED
CASE #: 22-2-15958-8 SEA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

KURT BENSHOOF,

Plaintiff,

V.

NATHAN CLIBER, JESSICA OWEN and
MAGALIE LERMAN,

Defendants.

Case No. 22-2-15958-8 SEA

ORDER FINDING OF CONTEMPT AND IMPOSING SANCTIONS AGAINST PLAINTIFF KURT BENSHOOF

This matter comes before the Court on Defendant Nathan Cliber's Motion for Finding of Contempt and Sanctions Against Plaintiff Kurt Benshoof ("Cliber's Motion"), Defendant Jessica Owen's Motion for Finding and Contempt and Sanctions Against Plaintiff Kurt Benshoof ("Owen's Motion"). The Court considered the arguments of the parties, the documents and pleadings on file herein, including the following:

- Cliber's Motion;
- The Declaration of Sarah N. Turner in Support of Cliber's Motion;
- Plaintiff's Opposition to Cliber's Motion;
- Defendant Nathan Cliber's Reply in Support of Cliber's Motion;
- Owen's Motion;
- The Declaration of Jessica Owen in Support of Owen's Motion;
- The Declaration of Paige Gagliardi in Support of Owen's Motion;

ORDER FINDING OF CONTEMPT AND IMPOSING SANCTIONS AGAINST PLAINTIFF KURT BENSHOFF - 1

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701 5th Avenue, Suite 2100
Seattle, Washington 98104
(206) 695-5100

- 1 • The Declaration of Moshe Y. Admon in Support of Cliber's and Owen's Motions;
- 2 • Plaintiff's Opposition to Owen's Motion; and
- 3 • Defendant Jessica Owen's Reply in Support of Owen's Motion.

4 Based upon such review and consideration, the Court GRANTS both Cliber's Motion and
 5 Owen's Motion, and enters the following FINDINGS OF FACT and CONCLUSIONS OF LAW:

6 1. Plaintiff has disregarded and failed to comply with this Court's Order Restricting
 7 Abusive Litigation of Kurt Benshoof (the "Abusive Litigation Order") (Dkt. 189) in his filing and
 8 attempted service of new claims and causes of action in Western District of Washington Case No.
 9 2:23-cv-01392-JNW and Western District of Washington Case No. 2:23-cv-01829-JHC (now
 10 JNW) upon Defendants Nathan Cliber, Jessica Owen, and the other "Persons Covered by This
 11 Order" (as those persons are defined in the Abusive Litigation Order);

12 2. Specifically, Plaintiff failed to file a contemporaneous motion for leave to proceed
 13 with his claims against Mr. Cliber, Jessica Owen and other Persons Covered by This Order (as
 14 those persons are defined in the Abusive Litigation Order) in both Case No. 2:23-cv-01392-JNW
 15 and Case No. 2:23-cv-01829-JHC, as required by the Abusive Litigation Order (at p. 6, ¶ 4);

16 3. Plaintiff also failed to file a copy of the Abusive Litigation Order with the federal
 17 court in Case No. 2:23-cv-01829-JHC, as required by the Abusive Litigation Order (at p. 6, ¶ 5);

18 4. In Case No. 2:23-cv-01392-JNW, Plaintiff did file a copy of the Abusive Litigation
 19 Order, but he did so by burying the order among 2,034 pages of exhibits to his complaint. Plaintiff
 20 filed a 184-page original complaint and later a 280-page amended complaint in Case No. 2:23-cv-
 21 01392-JNW. Plaintiff's 2,034-page exhibit filing occurred on September 26, 2023, seven calendar
 22 days after Plaintiff filed the original complaint. Within the 2,034 pages of exhibits, the Abusive
 23 Litigation Order can be found at Pages 563 through 571. Plaintiff buried the Abusive Litigation
 24 Order among numerous other exhibits to reduce the likelihood that the federal court would become
 25 aware of the order;

26 ORDER FINDING OF CONTEMPT AND
 SANCTIONS AGAINST PLAINTIFF KURT BENSHOOF - 2

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1 5. Plaintiff is in contempt of court for violating the Abusive Litigation Order.
 2

3 6. The Abusive Litigation Order warned Mr. Benshoof that if he “fails to abide by the
 4 terms this Order, any party may move, or the Court *sua sponte* may move, for a finding of contempt
 5 and sanctions. A contempt finding could result in the imposition of jail time as a sanction.”
 6 Abusive Litigation Order (p. 6, ¶ 6);

7 7. The Abusive Litigation Order included the Knight¹ warnings as an attachment;
 8

9 8. The Abusive Litigation Order clearly and unequivocally states that the filing
 10 restrictions in the order “apply to any and all future litigation Mr. Benshoof may attempt to bring”
 11 against the protected persons. Abusive Litigation Order, p. 5. The order further states that Mr.
 12 Benshoof is “**ENJOINED AND RESTRAINED**...from initiating any litigation whatsoever in
 13 any Superior Court in the state of Washington... unless Mr. Benshoof first obtains advanced
 14 approval from this Court” and that “If Mr. Benshoof seeks to commence a new action...in a court
 15 *other than* a Superior Court, Mr. Benshoof must first bring a motion in the other court for leave to
 16 proceed with the action.” Id., p. 5, ¶ 1 and p. 6, ¶ 4. Although the Abusive Litigation Order is
 17 clear and unambiguous, the Court now clarifies, as guidance for Mr. Benshoof, that terms like “any
 18 and all future litigation” and “new action” in the Abusive Litigation Order include all claims,
 19 counterclaims, crossclaims, third party actions, and any other claims whatsoever brought by Mr.
 20 Benshoof in any court against the “Persons Covered by This Order” as defined in the Abusive
 21 Litigation Order.

22 9. Although the present Order does not include jail time as a sanction, any future
 23 violation(s) of the Abusive Litigation Order by Mr. Benshoof could potentially result in jail time
 24 as a remedial or punitive sanction.

25 ///

26 ///

¹ *State ex rel. Schmitz v. Knight*, 142 Wn. App. 291, 174 P.3d 1198 (2007).

1 Based upon the above findings of fact and conclusions of law, the Court ORDERS the
 2 following sanctions:

3 A. Mr. Benshoof is ordered to pay the attorneys' fees and costs incurred by Defendants
 4 in bringing their respective motions for finding of contempt and sanctions against Mr. Benshoof,
 5 including supporting filings, declarations, and replies. Defendants shall submit their respective
 6 fee petitions to the Court within **14 days** of this Order.

7 B. Mr. Benshoof shall pay the attorneys' fees and costs incurred by Mr. Cliber in
 8 bringing the Abusive Litigation Order to the attention of the federal court in Western District of
 9 Washington Case No. 2:23-cv-01392-JNW and Western District of Washington Case No. 2:23-
 10 cv-01829-JHC (now JNW). Mr. Cliber shall submit his fee petition to the Court within **14 days**
 11 of this Order.

12 C. The Abusive Litigation Order's expiration date is extended by one year, to **March
 13 31, 2029.**

14 D. Mr. Benshoof shall file the leave motion ("Leave Motion") required by the Abusive
 15 Litigation Order in both Western District of Washington Case No. 2:23-cv-01392-JNW and
 16 Western District of Washington Case No. 2:23-cv-01829-JHC (now JNW) as to any and all
 17 Persons Covered by This Order, excluding Mr. Cliber, and including Moshe Admon, Owen
 18 Hermsen, Magalie Lerman, Jessica Owen, and Blair Russ (collectively, "Other Named Defendants
 19 Covered by this Order"). Such motion ("Leave Motion") shall be captioned "Motion for Leave to
 20 Proceed Against Certain Parties in Accordance with the Order Restricting the Abusive Litigation
 21 of Kurt Benshoof" and shall conspicuously identify the Abusive Litigation Order in the statement
 22 of facts. Plaintiff shall attach a copy of the Abusive Litigation Order as an exhibit to a separately
 23 filed supporting declaration, appendix, or addendum to the Leave Motion.

24 E. Upon filing the Leave Motions, Mr. Benshoof shall file proof in this action of such
 25 filings in the federal court cases. Absent obtaining leave to proceed against the Other Named
 26

Defendants Covered by this Order, Mr. Benshoof shall refrain from taking any action in pursuit of his claims against those individuals including but not limited to, attempting effectuate service and seeking affirmative relief in any form. To the extent necessary to comply with an impending deadline, Mr. Benshoof may seek to extend that deadline to an extent necessary to accommodate a ruling on the Leave Motion.

F. Beginning one calendar week from the entry of this Order, for each day Mr. Benshoof has failed to file the Abusive Litigation Order's required leave motion in BOTH pending actions, or otherwise dismissed claims in those actions against the Other Named Defendants Covered by This Order, an ongoing remedial sanction shall be entered against him in the amount of \$250 per day, per Other Defendant Covered by This Order. Mr. Benshoof shall deposit such accrued amounts in the King County Superior Court Registry under this cause number and the Other Named Defendants may, at their option, apply for disbursement or seek to enter a judgment for any accrued amounts not so deposited.

G. For any further legal proceedings filed by Mr. Benshoof in violation of the Abusive Litigation Order, he shall be assessed, in addition to any other sanction which may be imposed, a per diem sanction of \$250.00 per day per Person Covered by the Order named as a defendant in such action.

DATED this 1st day of March, 2024.

THE HONORABLE MARSHALL FERGUSON

**ORDER FINDING OF CONTEMPT AND
SANCTIONS AGAINST PLAINTIFF KURT BENSHOOF - 5**

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King County Superior Court
Judicial Electronic Signature Page

Case Number: 22-2-15958-8

Case Title: BENSHOOF VS CLIBER ET AL

Document Title: ORDER RE CONTEMPT SANCTIONS

Signed By: Marshall Ferguson

Date: March 01, 2024



Judge: Marshall Ferguson

This document is signed in accordance with the provisions in GR 30.

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O=KCDJA, CN="Marshall Ferguson:
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